<center>**REMARKS**</center>

This paper addresses the Office Action of June 30, 2008, in connection with the above-captioned application. Concurrently herewith, Applicant is filing a Request for Continued Examination pursuant to 37 C.F.R. § 1.114 and paying the required fee set forth in § 1.17(e). Therefore, pursuant to 37 C.F.R. § 1.114(d), Applicant requests that the finality of the June 30, 2008 Office Action be withdrawn and that the Office consider Applicant's current amendments and remarks.

Claims 1-55 stand rejected. Claim 56 has been withdrawn by the Office. Claims 2, 29, and 55 have been amended. No new matter has been added. The amendment is supported by the original disclosure. Accordingly, claims 1-56 are presently pending. Reconsideration of the application is respectfully requested in light of the amendment and the following remarks.

I.   Restriction of Claim 56

Applicant acknowledges that the Office Action has withdrawn claim 56 from consideration.

II.   Rejection of Claims 8 and 35 under 35 U.S.C. § 112 ¶ 2

Claims 8 and 35 were rejected as indefinite under 35 under 35 U.S.C. § 112 ¶ 2. Specifically, the Office Action asserts that the language "store a first account record for the first remote user terminal," recited in claims 8 and 35, and similar language recited in claim 35 is indefinite, in light of Applicant's remarks of March 17, 2008.

The Office Action states that:

> Claims 8 and 35 recite the limitation of "store a first account record for the first remote user terminal". Applicant also argues (in response to arguments filed on 3/17/08) that an account for the first remote user terminal does not necessarily mean an account record for a user. Applicant argues that the record is for the terminal. However, it is not clear how the account is for the terminal when it is used for a debit an amount to play game by a player, game and credit an amount for a winning game played by a player. Paragraph 27 of Applicant's specification (US 2005/0192078) suggests that that account is for the player. If the account is for the terminal, it is not clear how a terminal plays a game. Thus the account must belong to a user, using the terminal.

As noted in the Specification "[a]ccording to an embodiment of the present invention, data center 210 may keep an account for each lottery game player or, **alternatively, for each cell phone** 200." Specification at [026]. Thus, some embodiments of the present invention may

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include "stor[ing] a first account record for a first remote user terminal." Those records may, but need not be, associated with particular users, e.g., the terminal itself could act as a bearer instrument usable by any anonymous user possessing it. Although other example embodiments of the invention may treat account records differently, the existence of such embodiments does not render indefinite the present claims. Accordingly, withdrawal of the rejection is respectfully requested.

III.   Rejection of Claims 1-10, 12-37, and 39-55 Under 35 U.S.C. § 103(a)

Claims 1-10, 12-37, and 39-55 were rejected under 35 U.S.C. § 103(a), as being unpatentable over UK Patent Application Publication No. GB 2385802 ("Akalley"). Although Applicant does not agree with the rejection, claims 2, 29, and 55 are amended herein. For at least the reasons presented below, claims 1-10, 12-37, and 39-55, are patentable over Akalley.

As an initial matter, Applicant again respectfully points out the Office's obligation to identify fact and reasoning showing how each and every feature of each and every dependent claim is allegedly taught or suggested by the cited reference. Applicant respectfully submits that what has been provided is effectively an improper omnibus rejection of the claims. See MPEP 707.07(d). Moreover, the Office Action again makes numerous references to things which are allegedly "well known." Applicant respectfully traverses all such assertions. In accordance with 37 C.F.R. 1.104 (d)(2) and to preserve Applicant's rights to argue these issues on appeal, Applicant requests that the Office provide an affidavit that supports the rejection of the claims based on the official notice, common knowledge, or personal knowledge of the Examiner. See In re Lee, 277 F.3d 1338, 1344-45, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2002) (finding that reliance on "common knowledge and common sense" did not fulfill the PTO's obligation to cite references to support its conclusions as the PTO must document its reasoning on the record to allow accountability and effective appellate review).

In addition, the present claims are patentable over Akalley for at least the following reasons. Example embodiments of the present invention provide for SMS text messaging support for mobile lottery game systems, where a user may purchase, via a cellular telephone or any remote terminal of a wireless network, an electronic lottery ticket for a future drawing or other lottery games, such as instant win games, e.g., simulated scratch-off games, highly graphical user interactive games, and other kinds of lottery games. Notably, example embodiments of the present invention allow users to play graphical lottery games on a remote

terminal, such as a cell phone. For example, in example embodiments, a user may input a lottery game request, using a mobile device, identifying a particular game that the player desires. Example embodiments of the invention may permit players to play lottery games in the form of interactive games that give the players the illusion that they are playing games of skill. In other example embodiments, players may be able to play scratch-off lottery games, wherein a card has a number of concealed game results and is simulated on a display.

Accordingly, independent claim 1 recites:

A remote access based gaming system, comprising:
        a wireless network;
        a first remote user terminal;
        a data center that includes an application server,
        the first remote user terminal configured to transmit toward the application server a first gaming SMS text message, the application server configured to transmit toward the first remote user terminal a second gaming SMS text message, wherein the first and second gaming SMS text messages are transmitted via the wireless network; and
        a translator configured to convert a first gaming message from a Java transaction object format to the first SMS text message prior to the first SMS text message's transmission via the wireless network, the translator further configured to convert the second gaming SMS text message to a Java transaction object format after receipt of the second gaming SMS text message at the first remote user terminal.

Akalley does not teach or suggest each element of claim 1. For example, the Office Action admits that Akalley does not teach or suggest **"a translator configured to convert a first gaming message from a Java transaction object format to the first SMS text message prior to the first SMS text message's transmission via the wireless network, the translator further configured to convert the second gaming SMS text message to a Java transaction object format after receipt of the second gaming SMS text message at the first remote user terminal."** The Office Action simply states, without citing a reference, that "it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Akalley's gaming invention, and incorporate the conversion of SMS to ASCII to Binary and to Java in order to provide translate the SMS messages into compatible format of the lottery system."

However, Applicant respectfully submits that it would not have been obvious to "convert a first gaming message from a Java transaction object format to the first SMS text message prior to the first SMS text message's transmission via the wireless network." As an initial matter, Applicant reasserts the arguments presented in Applicant's response dated

March 17, 2008. In addition, it is noted that SMS (Short Messaging Service), by design, is a text passing protocol of limited capabilities. Notably, the SMS standard provides only for the passing of messages of up to 160 characters in length. See, 3GPP TS 03.40: Technical Realization of the Short Message Service (SMS), *available at* http://www.3gpp.org/ftp/Specs/html-info/0340.htm. Such a limited communications protocol provides significant limitations to implementation of the complex games provided by example embodiments of the present invention, and it would not have been obvious to have utilized such a limited communications protocol for the passing of a data structure such as a Java Transaction Object. Although the Office Action states that "Akalley's specifically discloses the text message (SMS message) is converted to suitable signal for communication with the lottery interface," Akalley itself contemplates only sending simple user-created text messages and not Java Transaction Objects. Thus, in Akalley, "a caller . . . begins by operating a telecommunications device such as a mobile phone by selecting to create a text message." Akalley, P. 6, Lines 24-26. Then the caller manually inputs numbers into the text message: "The numbers can be simply entered in order for example with a space between each number, or reported by other punctuation such as a comma." Akalley, P. 6, Lines 27-29. In contrast, as explained above, the gaming system of claim 1 need not rely on users inputting text message requests. Rather, the gaming system of claim 1 is able to provide more sophisticated games by "convert[ing] a first gaming message from a Java transaction object format to the first SMS text message prior to the first SMS text message's transmission via the wireless network." Accordingly, it is respectfully submitted that claim 1 is patentable over Akalley.

Independent claim 2 recites:

A remote access based gaming system, comprising:
a wireless network;
    a first remote user terminal; and
    a data center that includes an application server,
    the first remote user terminal configured to transmit toward the application server a first gaming SMS text message, the application server configured to transmit toward the first remote user terminal a second gaming SMS text message, wherein the first and second gaming SMS text messages are transmitted via the wireless network
    and wherein the first and second gaming SMS text messages relate to an enriched graphics lottery game, the lottery game **including a non-textual image displayed on the first remote user terminal**.

Accordingly, claim 2, as presented recites that "the first and second gaming SMS text messages relate to an enriched graphics lottery game, the lottery game **including a non-**

textual image displayed on the first remote user terminal." Akalley does not teach or suggest displaying a non-textual image at all. Rather, as noted above, Akalley is concerned only with user inputted text messages. Accordingly, it is respectfully submitted that claim 2 is patentable over Akalley.

Independent claim 28, recites:

A method for remote access game playing, comprising:
 converting at a first remote user terminal a game message from a Java transaction object format to an SMS text message format;
 wirelessly transmitting, from the first remote user terminal toward an application server, the first gaming SMS text message;
 reconverting the first gaming SMS text message to the Java transaction object format subsequent to the wireless transmission;
 wirelessly transmitting, from the application server toward the first remote user terminal, a second gaming SMS text message; and
 converting the second gaming SMS text message to a Java transaction object format subsequent to the wireless transmission.

Similar to claim 1, claim 28 recites **"converting at a first remote user terminal a game message from a Java transaction object format to an SMS text message format."** Accordingly, for at least reasons similar to those given above in connection with claim 1, it is respectfully submitted that claim 28 is patentable over Akalley.

Independent claim 29, as presented, recites:

A method for remote access game playing, comprising:
 wirelessly transmitting, from a first remote user terminal toward an application server, a first gaming SMS text message related to an enriched graphics lottery game, the lottery game **including a non-textual image displayed on the first remote user terminal**; and
 wirelessly transmitting, from the application server toward the first remote user terminal, a second gaming SMS text message related to the enriched graphics lottery game;
 displaying on the first remote user terminal the enriched graphics lottery game, including data contained in the second gaming SMS text message.

Similar to claim 2, claim 29 recites "wirelessly transmitting, from a first remote user terminal toward an application server, a first gaming SMS text message related to an enriched graphics lottery game, the lottery game **including a non-textual image displayed on the first remote user terminal.**" Accordingly, for at least reasons similar to those given above in connection with claim 2, it is respectfully submitted that claim 29 is patentable over Akalley.

Independent claim 54, recites:

A remote access based gaming system, comprising:

a wireless network;

a first cellular telephone;

a second cellular telephone;

an aggregator;

a data center that includes an application server and a database; and

a translator configured to convert a data between a Java transaction object format and a SMS text message format,

the first cellular telephone configured to transmit toward the application server a first gaming SMS text message, the application server configured to transmit toward the first cellular telephone a second gaming SMS text message, wherein the first and second gaming SMS text messages are configured to relate to an electronic lottery ticket for a future drawing and are transmitted via the wireless network,

the application server configured to transmit, subsequent to the drawing, a follow-up win-loss notice, in the form of a notice of a result of the drawing, toward the first cellular telephone,

the first cellular telephone configured to compare the result with a user lottery number, to determine one of a win and a loss based on the comparison, to determine a win amount based on the comparison, and to determine a win type based on the comparison,

the aggregator configured to receive the first gaming SMS text message from the first cellular telephone, to receive a third gaming SMS text message from the second cellular telephone, to correspondingly route the second gaming SMS text message toward the first cellular telephone, and to correspondingly route a fourth gaming SMS text message to the second cellular telephone,

the first and the second gaming SMS text messages each configured to be converted from the Java transaction object format to the SMS text message format for the transmission over the wireless network, and to be reconverted to the Java transaction object format subsequent to the transmission over the wireless network,

wherein the conversion includes a first translation between the Java transaction object format and a binary message format, a second translation between the binary message format and an ASCII text message format, and a third translation between the ASCII text message format and the SMS text message format,

wherein a first user input is entered into the first cellular telephone, a second user input is entered into the second cellular telephone, and the first and second cellular telephones are configured to collectively request the first lottery game based on the first and second user inputs,

wherein the first gaming SMS text message is configured to include the request, and the application server is configured to transmit the second gaming SMS text message in response to the request,

the database configured to store a first account record for the first cellular telephone and a second account record for the second cellular telephone, to debit a first portion of a first amount from the first account record when the application server transmits the first lottery game, to debit a second portion of the first amount from the second account record when the application server transmits the first lottery game, to debit a first portion of a

second amount from the first account record when the application server transmits the second lottery game, to debit a second portion of a second amount from the second account record when the application server transmits the second lottery game, to credit a first portion of a third amount to the first account record when the first lottery game is played and is a winning lottery game, to credit a second portion of a third amount to the second account record when the first lottery game is played and is a winning lottery game, to credit a first portion of a fourth amount to the first account record when the second lottery game is played and is a winning lottery game, to credit a second portion of the fourth amount to the second account record when the second lottery game is played and is a winning lottery game, to compute and record a first balance in the first account record in accordance with the first portions of the first, second, third, and fourth amounts, and to compute and record a second balance in the second account record in accordance with the second portions of the first, second, third, and fourth amounts,

the first, second, third, and fourth amounts variable in accordance with the first and second lottery games, the portions computed in accordance with a share distribution indicated by the first and second cellular telephones to the database,

wherein the application server includes a plurality of application servers.

Similar to claim 1, claim 54 recites **"first and the second gaming SMS text messages each configured to be converted from the Java transaction object format to the SMS text message format for the transmission over the wireless network, and to be reconverted to the Java transaction object format subsequent to the transmission over the wireless network."** Accordingly, for at least reasons similar to those given above in connection with claim 1, it is respectfully submitted that claim 54 is patentable over Akalley.

Independent claim 55, as presented, recites:

An article of manufacture comprising a computer-readable medium having stored thereon instructions adapted to be executed by a processor, the instructions which, when executed, define a series of steps to be used to control a method for remote access game playing, the method comprising:

wirelessly transmitting, from a first remote user terminal toward an application server, a first gaming SMS text message related to an enriched graphics lottery game, the lottery game **including a non-textual image displayed on the first remote user terminal**; and

wirelessly transmitting, from the application server toward the first remote user terminal, a second gaming SMS text message related to the enriched graphics lottery game; and

displaying on the first remote user terminal the enriched graphics lottery game, including data contained in the second gaming SMS text message.

Similar to claim 2, claim 55 recites "wirelessly transmitting, from a first remote user terminal toward an application server, a first gaming SMS text message related to an enriched graphics lottery game, the lottery game **including a non-textual image displayed on the first remote user terminal**." Accordingly, for at least reasons similar to those given above in connection with claim 2, it is respectfully submitted that claim 55 is patentable over Akalley.

In addition, claim 7 depends from claim 1, claims 3-6 and 8-27 depend from claim 2, and claims 30-53 depend from claim 29, and it is respectfully submitted that the dependent claims are also patentable over Akalley, for at least the reasons given above in connection with claims 1, 2, and 29. Accordingly, withdrawal of the rejection is respectfully requested.

IV.   Rejection of Claims 11 and 38 Under 35 U.S.C. § 103(a)

Claims 11 and 38 were rejected under 35 U.S.C. § 103(a), as being unpatentable over UK Patent Application Publication No. GB 2385802 ("Akalley"), in view of U.S. Patent Publication No. 2004/0162142 ("Cousineu"). For at least the reasons presented below, claims 11 and 38 are patentable over the proposed combination of Akalley and Cousineu.

Claim 11 depends from claim 2 and claim 38 depends from claim 29. As explained above, Akalley does not teach or suggest each of the elements of independent claims 2 and 29. The Office Action does not assert that Cousineu teaches or suggests the elements of claims 2 and 29 not taught or suggested by Akalley, and it is respectfully submitted that Cousineu does not teach or suggest those elements. Accordingly, it is respectfully submitted that claims 2 and 29 are patentable over the proposed combination of Akalley and Cousineu, as are dependent claims 11 and 38. Withdrawal of the rejection is respectfully requested.

V.   Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited. While no additional fee is considered to be due, the Office is hereby authorized to charge any additional fees, which may arise out of the filing of this paper, or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to the deposit account of **K&L Gates LLP,** Deposit Account No. **0080570**.

The Examiner is invited to contact the undersigned at the telephone number below to discuss any matter concerning this application.

Respectfully submitted,
K&L Gates LLP

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